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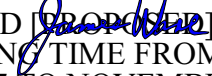
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Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MIGUEL ANGEL MARTINEZ- )  
MENDOZA, )  
 )  
Defendant. )

No. CR 07-00544 JW

STIPULATION AND [PROPOSED]   
ORDER EXCLUDING TIME FROM  
OCTOBER 15, 2007 TO NOVEMBER 5,  
2007 FROM THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. §  
3161(h)(8)(A))

The parties stipulate that the time between October 15, 2007 and November 5, 2007 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

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1 18 U.S.C. § 3161(h)(8)(A).

2  
3 DATED: October 16, 2007

SCOTT N. SCHOOLS  
United States Attorney

4  
5 /s/  
6 BENJAMIN T. KENNEDY  
Assistant United States Attorney

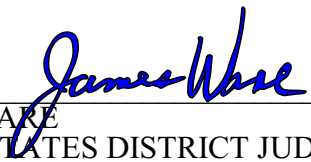
7  
8 /s/  
9 CYNTHIA LIE  
Assistant Federal Public Defender

**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between October 15, 2007 and November 5, 2007 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

IT IS SO ORDERED.

DATED: October 17, 2007

  
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JAMES WARE  
UNITED STATES DISTRICT JUDGE